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Attorneys for Defendants XTO Energy Inc. and Scott Griffith

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PATHFINDER AVIATION, INC.,

Plaintiff,

v.

XTO ENERGY INC. and
SCOTT GRIFFITH,

Defendants.

Case No. 3:15-cv-00200-HRH

**DEFENDANTS' MOTION
TO DISMISS CLAIMS
FOR NEGLIGENT
MISREPRESENTATION AND
VIOLATION OF THE UTPA
PURSUANT TO FRCP 12(b)(6)
AND TO STRIKE PRAYER FOR
PUNITIVE DAMAGES**

Defendants XTO Energy, Inc. and Scott Griffith, by and through their undersigned counsel of record, hereby move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff Pathfinder Aviation, Inc.'s claims for Negligent Misrepresentation (Count IV) and Violation of the Unfair Trade Practices Act (Count V) as alleged in its First Amended Complaint against Defendants XTO Energy, Inc. and Scott Griffith.

Defendants further move to strike Plaintiff's prayer for punitive damages because there are no viable claims for which punitive damages are available.

*Defendants' Motion to Dismiss Claims for Negligent Misrepresentation
and Violation of the UTPA Pursuant to FRCP 12(b)(6) and to Strike
Prayer for Punitive Damages*
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Defendants' motion is supported by the memorandum filed herewith.

Respectfully submitted this 4th day of March, 2016 at Anchorage, Alaska.

OLES MORRISON RINKER & BAKER LLP

By: s/Barat M. LaPorte
Barat M. LaPorte, ABA No. 9511064

*Attorneys for Defendants XTO Energy Inc.
and Scott Griffith*

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2016, a copy of the foregoing document was served electronically on the following:

David K. Gross
Mara E. Michaletz

OLES MORRISON RINKER & BAKER LLP

s/Barat M. LaPorte

4814-7356-0878, v. 1

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